

1 DAVID M. LISI (SBN 154926)

Email: lisid@howrey.com

2 HOWREY LLP

1950 University Avenue, 4th Floor

3 East Palo Alto, CA 94303

Telephone: (650) 798-3530

4 Facsimile: (650) 798-3600

5 JOHN M. TALADAY (*pro hac vice*)

RICHARD A. RIPLEY (*pro hac vice*)

6 Email: taladayj@howrey.com; ripleyr@howrey.com

7 HOWREY LLP

1299 Pennsylvania Ave NW

8 Washington, DC 20004

Telephone: (202) 383-6564

9 Facsimile: (202) 383-6610

10 ETHAN E. LITWIN (*pro hac vice*)

Email: litwine@howrey.com

11 HOWREY LLP

601 Lexington Avenue, 54th Floor

12 Telephone: (212) 896-6500

13 Facsimile: (212) 896-6501

Attorneys for KONINKLIJKE PHILIPS ELECTRONICS N.V.,

14 PHILIPS ELECTRONICS NORTH AMERICA

CORPORATION, PHILIPS ELECTRONICS INDUSTRIES

15 (TAIWAN), LTD. AND PHILIPS DA AMAZONIA

16 INDUSTRIA ELECTRONICA LTDA.

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN FRANCISCO DIVISION

20 _____
21 In re: CATHODE RAY TUBE (CRT)
22 ANTITRUST LITIGATION

) Case No. 07-5944-SC

)

) MDL No. 1917

)

) **DECLARATION OF ETHAN E. LITWIN IN**

) **SUPPORT OF THE PHILIPS**

) **DEFENDANTS' REPLY BRIEF IN**

) **SUPPORT OF THEIR MOTIONS TO**

) **DISMISS**

)

26 This Document Relates to:

) Date: October 5, 2009

) Time: 9:00 a.m.

27 ALL ACTIONS

) Before: The Honorable Charles A. Legge

)

)

1 I, Ethan Litwin, declare:

2 1. I am a partner at the law firm of Howrey LLP, counsel for Koninklijke Philips
3 Electronics, N.V., Philips Electronics North America Corporation, Philips Electronics Industries
4 (Taiwan), Ltd., and Philips da Amazonia Industria Electronica Ltda (the "Philips Defendants"). I am a
5 member in good standing of the Bar of New York and am admitted to practice in the Northern District
6 of California *pro hac vice*. I submit this Declaration in support of the Philips Defendants' Reply
7 Memorandum in Support of Their Motions to Dismiss the Direct Purchaser Plaintiffs' and the Indirect
8 Purchaser Plaintiffs' Consolidated Amended Complaints. I make this declaration, of my own personal
9 knowledge, and if called upon to do so, could and would testify competently to the facts that it
10 contains.

11 2. Attached hereto as Exhibit 1 is a true and correct copy of the decision of the
12 Commission of European Communities, Case No. Comp / M. 2263 – *Philips / LG Electronics/ JV*
13 (2001).

14 3. Attached hereto as Exhibit 2 is a true and correct copy of the Complaint filed in *In re*
15 *Dynamic Random Access Memory (DRAM) Antitrust Litigation*, Case No. 02-1486 (N.D. Cal. Feb. 27,
16 2008) (Docket No. 1827).

17 4. Attached hereto as Exhibit 3 is a true and correct copy of the Direct Purchaser
18 Plaintiffs' Consolidated Class Action Complaint filed in *In re Flash Memory Antitrust Litigation*, No.
19 C-07-00086 (N.D. Cal. Feb. 7, 2008) (Docket No. 309).

20 5. Attached hereto as Exhibit 4 is a true and correct copy of the Indirect Purchasers'
21 Consolidated Amended Class Action Complaint filed in *In re Static Random Access Memory (SRAM)*
22 *Antitrust Litig.*, Case No. 07-01819 (N.D. Cal. Sept. 17, 2007) (Docket No. 290).

23 I declare under the penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed this 24th day of September, 2009, in New York, New York.
25

26
27 /s/ Ethan E. Litwin

28 Ethan E. Litwin